

**Agreement Between
The Arkansas Department of Human Services (ADHS)
The Arkansas State Police (CACD)**

I. Purpose

In accordance with Arkansas Code Annotated §12-8-501, the State has a responsibility to provide competent and thorough child maltreatment investigations which are sensitive to the needs of children and families. The Arkansas State Police (CACD) Crimes Against Children Division (CACD) is a partner with the Division of Children and Family Services (DCFS) in the Practice Model. CACD supports the Practice Model goals and values and supports families at every step of an investigation. CACD supports frontline staff by providing skill-based training and supervision to build and maintain professionalism. CACD strives for quality and accountability in all work conducted by CACD staff.

Child maltreatment is a crime and suspected severe child maltreatment should be investigated by trained law enforcement investigators. The CACD was created as a result of a Governor's Executive Order under in Arkansas Code Annotated §12-8-501 through § 12-8-508.

II. Statutory Requirements

The CACD agrees to comply with all applicable state and federal laws and regulations, which include the Juvenile Code, the Child Maltreatment Act, The Child Abuse Prevention and Treatment Act (CAPTA), Title IV-E of the Social Security Act which includes the Adoptions and Safe Families Act (ASFA), and state law pertaining to the CACD, Arkansas Code Annotated §12-8-501, et seq.

III. Program Responsibilities

A. The Child Abuse Hotline

The Child Abuse Hotline Section of CACD shall:

- Receive and document all reports with sufficient identifying information as defined by Arkansas law.
- Receive and document all child deaths that:
 - 1) Is sudden and unexpected; and
 - 2) Was not caused by known disease or illness for which the child was under the care of a physician at the time of death; or
 - 3) The death of a child reported by a coroner or county sheriff
- Receive facsimile transmission in non-emergency situations by identified reporters who provide their names, phone numbers and email addresses (for online reporting). Confirm receipt of facsimile transmission via a return facsimile transmission.
- Conduct a history check on all reports unless calls waiting to be answered by the hotline have been waiting for 15 minutes or longer. History checks will be conducted on serious maltreatment allegations or allegations involving children 3 years of age and younger regardless of the call wait time.
- Attempt to secure all information requested on the CHRIS screens and elicit the following:
 - Reason the reporter suspects child maltreatment and how the reporter acquired the information.
 - Current risk of harm to the child.
 - Mental and physical condition of the alleged offender.
 - Potential danger to staff investigating the allegation(s).
 - Identity and location of possible witnesses or persons knowledgeable about the alleged child maltreatment.
 - Relevant addresses and directions.

- Licensing authority and facility involved.
- Prioritize and determine the appropriate investigating agency, either CACD or DCFS, as outlined in this Agreement.
- Inform the caller if the information provided does not constitute a legal allegation of child maltreatment.
- Notify each mandated reporter who makes a call to the hotline if the mandated reporter's call is not accepted or is screened out on a subsequent hotline supervisor review. Said notification shall be made within forty-eight (48) hours excluding weekends and holidays after a mandated reporter makes a call to the hotline that is not accepted or is screened out.
- Forward report to the appropriate investigating agency, either DCFS or CACD, for investigation, and DCFS may refer for assessment.
- After hours notification is to be made to the appropriate on call member of either DCFS or CACD.

DCFS will maintain in the CHRIS System a current list of on-call DCFS staff, supervisors, and Area Directors including home phone numbers and cell phone numbers.

If local law enforcement contacts the hotline because a 72 hour hold has been initiated on a child or a hold needs to be taken on a child to protect the child, the hotline shall provide local law enforcement with the name and contact information for the appropriate on-call staff employee at DCFS.

At any time should the system be inoperable or the respective entities do not have access to the computerized entry, the maltreatment reports shall be forwarded by telephone.

Child maltreatment allegations will be assigned for child maltreatment investigation pursuant to A.C.A. §12-18-601 as follows:

Type of Maltreatment	Priority	Agency
Abandonment ^{^^}	I/II	CACD/DCFS
Abuse with a Deadly Weapon	I	CACD
Bone Fractures	I	CACD
Brain Damage/Skull Fracture	I	CACD
Burns, Scalding	I	CACD
Cuts, Bruises and Welts/Age 4 and over *	I/II	CACD/DCFS
Cuts, Bruises and Welts/Age three and under **	I/II	CACD/DCFS
Educational Neglect	II	DCFS
Environmental Neglect	II	DCFS
Extreme or Repeated Cruelty	II	DCFS
Failure to Protect ***	I or II	CACD/DCFS
Failure to Thrive	I	DCFS
Forcing a Child to Listen to a Telephone Sex Line	I	CACD
Human Bites	II	DCFS
Immersion	I	CACD
Inadequate Clothing	II	DCFS
Inadequate Food	II	DCFS
Inadequate Shelter	II	DCFS
Inadequate Supervision	II	DCFS
Indecent Exposure	I	CACD
Internal Injuries	I	CACD
Kicking	II	DCFS
Lock-out	II	DCFS
Malnutrition	I	DCFS

Medical Neglect	II	DCFS
Medical Neglect of Disabled Infants	I	DCFS
Mental Injury	I	DCFS
Munchausen Syndrome by Proxy or Factitious Illness by Proxy	II	DCFS
Newborn Child Born with an Illegal Substance in its System or at the time of birth, the presence of illegal substance in mother's system	I	DCFS
Poison/Noxious Substances	I	CACD
Pornography/Exposure to Live Sex Act	I	CACD
Sex (Oral)	I	CACD
Sexual Contact	I	CACD
Sexual Exploitation	I	CACD
Sexual Penetration	I	CACD
Sexual Solicitation	I	CACD
Shaking a Child Age Four or Older	II	DCFS
Shaking a Child Age Three or Younger	II	DCFS
Sprains/Dislocations	II	DCFS
Striking a Child Age Seven or Older on the Face	II	DCFS
Striking a Child Age Six or Younger on the Face	II	DCFS
Striking, Pinching or Biting a Child in the Genital Area	II	DCFS
Striking a Child with a Closed Fist	II	DCFS
Subdural Hematoma	I	CACD
Substance Misuse	II	DCFS
Suffocation or Interfering with Breathing	I	CACD
Threat of Harm	I	DCFS
Throwing a Child	II	DCFS
Tying/Close Confinement	II	DCFS
Underage Juvenile Offenders Age 11 and older	I/II	CACD
Underage Juvenile Offender Under age 11	I/II	DCFS
Voyeurism	I	CACD

* Depending upon the location (head/torso, excluding buttocks), severity and multiplicity of the injuries, cuts, bruises and welts may be a Priority I.

**The investigation of bruises, cuts, or welts in or on any portion of the head, face, neck, or torso, excluding buttocks, that are the result of a direct act against the child by a parent or caretaker, when reported by a medical facility or medical personnel or law enforcement, will be the responsibility of the CACD. This does not include an injury that is the result of a failure on the part of the parent or caretaker to safeguard the child from environmental situations that resulted in those injuries.

***CACD will investigate if the Failure to Protect is linked to a Priority I CACD investigation.

^^CACD will investigate only those allegations of abandonment in which the alleged offenders are former and or current foster/adoptive parents

Reports containing information that young children are behaving in a developmentally inappropriate sexual manner, but do not contain allegations of sexual abuse or name an offender will not be registered as child maltreatment, -but will be documented. Reports of consensual sexual activity between similar aged children shall not be accepted by the Child Abuse Hotline unless the activity falls within the statutory definition of sexual abuse. If the assessment results in an allegation of child sexual abuse as defined by statute, the DCFS worker will make a report to the Child Abuse Hotline, and, if accepted, the report will be investigated by CACD or DCFS, depending on the age of the named alleged offender.

B. Investigations—Who will investigate?

The CACD, being specially trained and organizationally placed outside the Arkansas Department of Human Services (ADHS), shall investigate all reports of child maltreatment that (1) Identify a DCFS foster parent or a member of the foster parents' household, (2) a DCFS pre-adoptive parent, (3) a DCFS provisional foster parent, (4) a Therapeutic Foster Care foster parent, 5)) Identify a juvenile as an alleged offender aged 11 – 18 and the allegation is "severe maltreatment" as defined in the Child Maltreatment Act; (6) Identify as an alleged offender a person who is not a family member or is not living in the home with the alleged victim(s) with an allegation of severe maltreatment - (7) all allegations involving a foster child whether foster child is the offender or the victim (8) identify a staff person of a Division of Youth Services owned facility or Division of Youth Services contract facility as the alleged offender and (9) allegations involving a juvenile in a Division of Youth Services owned facility or Division of Youth Services contract facility whether juvenile is the offender or the victim.

The CACD, upon acceptance of this agreement, assumes responsibility for criminal child maltreatment investigations in accordance with Arkansas Code Annotated §12-18-601, if local law enforcement declines to investigate. Those allegations of child maltreatment are the responsibility of the CACD by this Agreement in conjunction with the Governor's Executive Order. The CACD shall not be responsible for any child welfare matters other than those set out in this agreement, incorporated herein, unless additional responsibility is incorporated into this agreement in the form of an amendment by mutual agreement of the CACD and the ADHS.

CACD will investigate all Child Deaths accepted by the Child Abuse Hotline that:

- Is sudden and unexpected; and

- Was not caused by known disease or illness for which the child was under the care of a Physician at the time of death; or

- The death of a child reported by a coroner or county sheriff

- Or dies during the course of an open child maltreatment investigation

- In the event DCFS is currently involved in an investigation (ex. inadequate supervision) and a child dies, there will be communication between DCFS and CACD as to who will be primary on the investigation going forward based upon an assessment completed by CACD. DCFS investigative activities on original allegation will continue until notified otherwise by CACD upon completion of their assessment.

CACD will complete the Child Fatality Disclosure Case Briefing summary, if there is no prior history with the family or DCFS secondary assignment.

The DCFS shall investigate all reports of child maltreatment that identify an Arkansas State Police employee or spouse, either in their personal or official capacity, as the alleged offender. CACD shall investigate all reports of child maltreatment that identify a Division of Children and Family Services employee or spouse as an alleged offender.

C. Investigations—Procedural Requirements

CACD shall initiate -all child maltreatment investigation no later than twenty-four (24) hours of receipt of an allegation of severe maltreatment, excluding reports of sexual abuse if the most recent allegation of sexual abuse was more than one (1) year ago -or the alleged victim does not currently have contact with the alleged offender, abandonment if the child is in a facility, or cuts, welts, bruises or suffocation if the most recent allegation was more than one (1) year ago and the alleged victim is in the custody of the Department of Human Services. - Exceptions noted above will be initiated within 72 hours.

Upon initiation of the investigation, the primary focus of the investigation shall be whether or not the alleged offender has access to children and whether or not children are at risk such that children need to be protected.

At any point in the investigation, CACD will immediately notify DCFS, either in person or via telephone if CACD has concerns about the safety of children. When a safety factor is present and a safety assessment has been requested, CACD will advise the offender of the reported allegations if the offender lives in the home.

An investigation is initiated by CACD when the victim is interviewed or examined outside the presence of the alleged offender. A DCFS safety assessment does not constitute an initiation of a CACD child maltreatment investigation. CACD may contact DCFS to conduct a Health and Safety assessment after examining/interviewing the child and the non-offending parent living in the home if safety is a concern. DCFS shall not initiate a Health and Safety assessment unless CACD has completed the Health and Safety checklist and a safety factor is present. CACD will conduct or secure drug testing, or take whatever steps are needed during the course of any investigation conducted by CACD to properly investigate the allegations. Upon the request of CACD, DCFS will make referrals, if needed, to local counseling, etc., during the course of the investigation. During the course of all investigations conducted by DCFS and CACD, families will be provided with a pamphlet developed by DCFS regarding access to services/needs.

DCFS will engage and involve CACD in the development and planning implementation of any new division initiatives.

CACD will use the Child Reporting Information System (CHRIS) to document activities associated with the investigation of suspected child maltreatment. CACD must document the activities within 48 hours of completion. - CACD and DCFS will in good faith attempt to resolve CHRIS issues when problems arise. ADHS agrees to update CHRIS, at its expense, to include all applicable CACD forms.

DCFS staff will act as secondary on all CACD investigations if a Health and Safety Assessment has been requested, and DCFS staff will document in CHRIS all activities associated with the investigation in the contact screen only. CACD and DCFS shall not alter or delete any documentation entered into CHRIS by the other agency.

CACD shall make an investigative determination within -forty-five (45) days of the receipt of the initial report of child maltreatment. CACD shall interview the alleged offender's children and any children living in the alleged offender's home if the allegation is determined to be true.- CACD shall conduct an assessment of any other children previously or currently under the care of the alleged offender, and to the extent practical, determine whether these children have been maltreated or are at risk of maltreatment.

D. Investigations—Notice

The investigating agency shall provide notification required in the statute (Ark. Code Ann. §12-18-500 et seq., Ark. Code Ann. §12-18-700 et seq., Ark. Code Ann. §12-18-813.) If the report involves a foster child or is in an open dependency-neglect or FINS (Family in Need of Services) case, DCFS shall provide notice of the investigative determination to legal parents/guardians, the public defender or counsel, the judge in the juvenile court case, the Attorneys Ad Litem and CASA.

The investigating agency shall notify a facility's licensing or registering authority of the initial report of child maltreatment if a client or resident of the facility is identified as a victim and the facility is licensed or registered by the State of Arkansas. The investigating agency shall notify the appropriate ADHS division director and facility director when the initial report is that a client or resident of a facility operated by ADHS or a facility operated under contract with ADHS has been subjected to child maltreatment while at the facility.

IV. Judicial and Other Appearances

CACD shall prepare affidavits containing facts obtained during the course of a child maltreatment investigation. Employees of CACD will appear and testify in the Administrative Hearings and all court proceedings initiated by ADHS without a subpoena. If CACD provides the Office of Chief Counsel with an affidavit, OCC will notify CACD of the date, time and location of the court proceeding. If CACD has prepared the affidavit the CACD employee will appear in court unless relieved by OCC.

CACD and DCFS shall immediately notify the OCC when an employee receives a subpoena to provide testimony or documents pertaining to a child maltreatment investigation. If needed, the OCC shall take steps to quash the subpoena. If the subpoena is not quashed, the CACD or DCFS employee shall comply with the subpoena.

No staff from either CACD or DCFS will appear voluntarily at a hearing to give testimony adverse to the investigating agency's position. If a CACD or DCFS employee is subpoenaed by the petitioner in an administrative hearing or by the defendant in a child welfare hearing and the employee's testimony will be adverse to the investigating agency's position, the CACD or DCFS employee will immediately notify the investigating agency and OCC of the compelled appearance and provide the investigating agency with a summary of the employee's testimony.

To ensure that DHS and CACD are adequately prepared for court appearances and administrative hearings, the CACD will send the Central Registry its investigative file within ten business days of the request for the file by the Central Registry manager. The investigative file shall include copies of pictures, audio tapes, - video tapes, CD's, DVD's and other forms of media.

V. Finances

Upon the approval of the ADHS, DCFS' transfer of funds shall be made in the following manner: The ADHS will transfer federal funds and other revenues to the CACD via state treasury fund transfers upon receipt of billing information provided by the CACD. ADHS shall transfer \$2,667,879 in funding for State Fiscal Year (SFY) -2016. DCFS will cover the cost to house CACD investigators in DHS county offices.

While the ADHS agrees to transfer the funds, the CACD agrees that any additional funding required by the CACD to comply with this agreement will be the responsibility of the CACD. The CACD agrees to request any additional funding from the Arkansas State Legislature as part of its budgeting process.

The transfer of funds shall be made in a manner that is acceptable under the laws of the State of Arkansas and the rules, regulations, and procedures of the DF&A; and in compliance with any federal guidelines that may affect any portion of those monies transferred.

The ADHS agrees to continue to provide the current office space to CACD positions transferred to CACD and other positions as agreed upon by ADHS and CACD. The office space shall include utilities, telephone service, and CHRIS access. However, after July 1, 2009, CACD will pay for any office space for any new positions.

All responsibility regarding the central registry along with charging of fees for requested copies of child maltreatment reports will reside solely with the Division of Children and Family Services.

VI. Indemnification

The parties agree that the cost of any disallowance, deferral, sanction, or other liability shall be borne by the program or agency whose conduct or performance is the basis of the disallowance, deferral, sanction, or other liability.

VII. Monitoring and Dispute Resolution

No employee of CACD shall attempt to inhibit the reunification efforts of DCFS in dealing with families. Should CACD have unresolved concerns regarding the safety of a child, the CACD employee shall express these concerns to his or her supervisor at CACD. The CACD supervisor shall contact the DCFS Area Manager to share CACD's concerns, and if the CACD supervisor is not satisfied with the response from the DCFS Area Manager, the CACD supervisor shall go up the appropriate chain of command.

The parties, the Director of ADHS, the Director of ASP, the Director of DCFS, or their designees, and the –Commander of CACD shall meet as needed to discuss specific cases, operations, protocol compliance, and other pending issues. The parties agree to work together in good faith and in the spirit of cooperation. If this fails, the parties agree to submit to binding dispute resolution led by an unbiased representative of the Governor's Office.

The DCFS shall have final authority on all decisions regarding removal, protection, and reunification. The ADHS is the designated agency for administration and oversight of the federal programs under Titles IVB and E of the Social Security Act for the State of Arkansas.

VIII. Confidentiality & Disclosure of Information

The CACD will abide by the confidentiality requirements as outlined in the Child Abuse Prevention and Treatment Act, the Child Maltreatment Act, and the Arkansas Juvenile Code. CACD makes the following assurance:

CACD may not disclose information concerning child maltreatment allegations except as authorized under state or federal law or regulations or Division of Children and Family (DCFS) Policy.

All information pertaining to child maltreatment investigations is confidential and shall be released only as permitted by state and federal law. CACD may disclose information to the Prosecuting Attorney or law enforcement upon request or as necessary to facilitate an investigation or prosecution. All requests for copies of central registry records shall be handled by DFCS.

No investigative file shall be released while the investigation is pending, except as allowed in Arkansas Code Annotated § 12-18-101et seq.

Nothing in the preceding paragraphs will preclude timely disclosure to the appropriate Prosecuting Attorney's Office in the furtherance of the prosecution of the offender in such crimes; or other law enforcement agencies in the furtherance of the investigation; or as required by the DCFS; or the U.S. Department of Human Services, or any assistance through the Arkansas Crime Victims Reparations Act.

Referrals concerning malicious reporting shall be made to the appropriate Prosecuting Attorney.

IX. Multi-disciplinary Teams and Child Safety Centers

CACD and DCFS shall participate in Multi-Disciplinary Teams authorized by the Commission on Child Abuse, Rape and Domestic Violence. To prevent multiple interviews of a child who has been sexually abused, CACD and DCFS shall utilize Child Safety Centers, when available and appropriate.

X. Severability

The parties agree to be bound by any change in federal laws or regulations, or state laws or state plans pertaining to the operation of the various programs affected by this agreement and, in the event this agreement is irreconcilably inconsistent with such laws, regulations or plans, this agreement shall be

subordinate thereto. The provisions of this agreement are severable such that invalidity of one (1) provision shall not affect the validity of any other provision.

XI. Duration

This agreement shall take effect July 1, 2015 and shall end June 30, 2016. This agreement shall be binding upon any successors to the Director of ADHS and the Director of the -Arkansas State Police. This agreement and protocol shall be subject to the continuing review of the Arkansas General Assembly and the U.S. Department of Health and Human Services, Administration for Children and Families.

XII. Amendment of Agreement

The Agreement shall not be approved, amended or assigned without the consent of the ADHS, DCFS and the CACD.

XIII. Oversight

Under Arkansas Code Annotated §12-8-506, the Oversight Committee shall meet to review the administration of the child abuse hotline, child abuse investigations, and service delivery to children and families.

The CACD shall submit reports regarding the administration of the Child Abuse Hotline and child abuse investigations at least quarterly to the Legislative Oversight Committee, House Subcommittee on Children and Youth of the House Committee on Aging, Children and Youth, Legislative and Military Affairs and the Senate Committee on Children and Youth. A copy of all reports submitted to the legislature shall be provided simultaneously to the Director, DCFS.

This agreement was signed by the following:



Bill Bryant, Director
Arkansas State Police



John Selig, Director
Arkansas Department of Human Services

07/16/15

Date

7/27/14

Date



Ron Stayton, Commander
Crimes Against Children Division
Arkansas State Police



Cecile Blucker, Director
Division of Children and Family Services
Arkansas Department of Human Services

7/16/15

Date

7/14/15

Date



Office of Director

P.O. Box 1437, Slot S201 · Little Rock, AR 72203-1437
501-682-8650 · Fax: 501-682-6836 · TDD: 501-682-8820



FY 2016 Cost Sharing Agreement

This agreement is entered into between the Arkansas State Police (ASP) and the Department of Human Services (DHS) for the purpose of sharing training costs for the Crimes Against Children Division (CACD) of the ASP. This agreement is valid for the fiscal year ending June 30, 2016.

DHS agrees to pay for training costs for the CACD up to 50% per training event, not to exceed a fiscal year cumulative total of \$25,000. Such training must be specifically related to child welfare.

ASP will pay all expenses for the training and submit copies of paid expenses to DHS. DHS will reimburse ASP up to the amount specified in this agreement.

William J. Bryant
Colonel Bill Bryant
Director, Arkansas State Police

07/16/15
Date

John Selig
John Selig
Director, Department of Human Services

7/20/15
Date



Office of Director


P.O. Box 1437, Slot S201 · Little Rock, AR 72203-1437
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FY 2016 Cost Sharing Agreement

This agreement is entered into between the Arkansas State Police (ASP) and the Department of Human Services (DHS) for the purpose of reimbursing process server costs for the Crimes Against Children Division of the Arkansas State Police. This agreement is valid for the fiscal year ending June 30, 2016.

The Department of Human Services (DHS) agrees to reimburse Arkansas State Police (ASP) for process servers used by CACD. ASP agrees process servers will only be used after all other means of contact have been exhausted. ASP will pay the expense and submit copies of paid expenses to DHS. DHS will reimburse ASP for the cost incurred.


Colonel Bill Bryant
Director, Arkansas State Police

07/16/15
Date


John Selig
Director, Department of Human Services

7/27/15
Date